

FIRST REGULAR SESSION

HOUSE BILL NO. 811

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RICHARDSON.

1355H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.069, 136.110, and 143.811, RSMo, and to enact in lieu thereof three new sections relating to the department of revenue.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 32.069, 136.110, and 143.811, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 32.069, 136.110, and 143.811, to read as follows:

32.069. **1.** Notwithstanding any other provision of law to the contrary, interest shall be allowed and paid on any refund or overpayment at the rate determined by section 32.068 only if the overpayment is not refunded within one hundred twenty days[, or within ninety days in the case of taxes imposed by sections 143.011 and 143.041,] from the latest of the following dates:

(1) The last day prescribed for filing a tax return or refund claim, without regard to any extension of time granted;

(2) The date the return, payment, or claim is filed; or

(3) The date the taxpayer files for a credit or refund and provides accurate and complete documentation to support such claim.

2. Notwithstanding any other provision of law to the contrary, interest shall be allowed and paid on any refund or overpayment at the rate determined by section 32.068 only if the overpayment in the case of taxes imposed by sections 143.011 and 143.041 is not refunded within forty-five days from the date the refund or claim is filed.

136.110. **1.** The director of revenue shall promptly record all sums of money collected or received by the director and shall immediately thereafter deposit the same with the state treasurer, excluding all funds received and disbursed by the state on behalf of counties and cities,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 towns and villages. The state treasurer, upon receipt of any moneys from the director of revenue,
5 shall give his or her receipt therefor, executing the same in triplicate, and shall deliver one copy
6 of such receipt to the director of revenue, one copy to the commissioner of administration, and
7 shall retain the third copy thereof in the files of the state treasurer. The books of the director of
8 revenue shall be audited by the state auditor at such times as may be required by law, and at such
9 other times as may be directed by the governor.

10 **2. For the purposes of this section, the term “promptly” shall mean within two**
11 **business days.**

143.811. 1. Under regulations prescribed by the director of revenue, interest shall be
2 allowed and paid at the rate determined by section 32.065 on any overpayment in respect of the
3 tax imposed by sections 143.011 to 143.996; except that, where the overpayment resulted from
4 the filing of an amendment of the tax by the taxpayer after the last day prescribed for the filing
5 of the return, interest shall be allowed and paid at the rate of six percent per annum. With respect
6 to the part of an overpayment attributable to a deposit made pursuant to subsection 2 of section
7 143.631, interest shall be paid thereon at the rate in section 32.065 from the date of the deposit
8 to the date of refund. No interest shall be allowed or paid if the amount thereof is less than one
9 dollar.

10 2. For purposes of this section:

11 (1) Any return filed before the last day prescribed for the filing thereof shall be
12 considered as filed on such last day determined without regard to any extension of time granted
13 the taxpayer;

14 (2) Any tax paid by the taxpayer before the last day prescribed for its payment, any
15 income tax withheld from the taxpayer during any calendar year, and any amount paid by the
16 taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by him
17 on the fifteenth day of the fourth month following the close of his taxable year to which such
18 amount constitutes a credit or payment.

19 3. For purposes of this section with respect to any withholding tax:

20 (1) If a return for any period ending with or within a calendar year is filed before April
21 fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of
22 such succeeding calendar year; and

23 (2) If a tax with respect to remuneration paid during any period ending with or within
24 a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be
25 considered paid on April fifteenth of such succeeding calendar year.

26 4. If any overpayment of tax imposed by sections 143.061 and 143.071 is refunded
27 within four months after the last date prescribed (or permitted by extension of time) for filing the

28 return of such tax or within four months after the return was filed, whichever is later, no interest
29 shall be allowed under this section on overpayment.

30 5. If any overpayment of tax imposed by sections 143.011 and 143.041 is refunded
31 within [ninety] **forty-five** days after the [last date prescribed or permitted by extension of time
32 for filing the return of such tax] **date the return or claim is filed**, no interest shall be allowed
33 under this section on overpayment.

34 6. Any overpayment resulting from a carryback, including a net operating loss and a
35 corporate capital loss, shall be deemed not to have been made prior to the close of the taxable
36 year in which the loss arises.

37 7. Any overpayment resulting from a carryback of a tax credit, including but not limited
38 to the tax credits provided in sections 253.557 and 348.432, shall be deemed not to have been
39 made prior to the close of the taxable year in which the tax credit was authorized.

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